United Nations A/HRC/26/48

General Assembly

Distr.: General
11 March 2014

Original: English

Human Rights Council
Twenty-sixth session
Agenda item 5
Human rights bodies and mechanisms

Report of the open-ended intergovernmental working group on a draft United Nations declaration on the rights of peasants and other people working in rural areas

Chairperson-Rapporteur: Angélica C. Navarro Llanos

GE.14-11987

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I. Introduction

1. The open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas was established by the Human Rights Council in its resolution 21/19 with the mandate of negotiating, finalizing and submitting to the Human Rights Council a draft United Nations declaration on the rights of peasants and other people working in rural areas, on the basis of the draft submitted by the Advisory Committee (A/HRC/19/75, annex) and without prejudging past, present and future views and proposals. In the same resolution, the Council decided that the working group should hold its first session for five days in 2013, before the twenty-third session of the Council; requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to provide the working group with the human, technical and financial assistance necessary for it to fulfil its mandate; and requested the working group to submit a report on progress made to the Council for consideration at its twenty-sixth session.

2. The Chairperson-Rapporteur of the Working Group invited the Rapporteur of the Advisory Committee drafting group on the draft declaration to participate in the first session of the working group, and, echoing the Human Rights Council, invited intergovernmental organizations, States, civil society, non-governmental organizations, national human rights institutions, representatives of peasants and other people working in rural areas and all relevant stakeholders to contribute actively and constructively to the work of the working group.

II. Organization of the session

A. Opening and duration of the session

3. The working group met from 15 to 19 July 2013.

4. The session was opened by the Deputy High Commissioner for Human Rights on behalf of the United Nations High Commissioner for Human Rights. The Deputy High Commissioner recalled that the work of the United Nations had the ultimate objective of enhancing the full enjoyment of all human rights. She said that the international community was looking to the working group to find a comprehensive, human rights-centred development paradigm for examining the existing protection measures for people living and working in rural areas and identifying any possible protection gaps. She also expressed the readiness of OHCHR to assist the working group in all its endeavours.

B. Attendance

5. Representatives of the following States Members of the United Nations attended the meetings of the working group: Algeria, Argentina, Austria, Bahrain, Bolivia (Plurinational State of), Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, the Czech Republic, Ecuador, Egypt (on behalf of the Like-Minded Group), Ethiopia, France, Gabon (on behalf of the African Group), Germany, Greece, Guatemala, Honduras, India, Indonesia, Ireland, Italy, Japan, the Lao People's Democratic Republic, Libya, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Morocco, Myanmar, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, South Africa, Spain, Sri Lanka, Switzerland, Thailand, Tunisia, Turkey, the United Arab Emirates, the United Kingdom of Great Britain

and Northern Ireland, the United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam.

6. The following non-Member States were represented by observers: the Holy See and the State of Palestine.

7. The following intergovernmental organization was represented at the meetings of the working group: the European Union.

8. The following non-governmental organizations were represented: Europe–Third World Centre, FoodFirst Information and Action Network, International Federation of Rural Adult Catholic Movements, La Via Campesina, Villages unis pour le développement and HelpAge International.

C. Election of the Chairperson-Rapporteur

9. At its 1st meeting, on 15 July 2013, the working group elected Angélica C. Navarro Llanos (Plurinational State of Bolivia) as its Chairperson-Rapporteur, by acclamation. She was nominated by the delegation of Ecuador on behalf of the Group of Latin American and Caribbean Countries. The representative of Ecuador, on behalf of that regional group, indicated that the nomination was based on the leading role played by the Plurinational State of Bolivia in moving the working group forward and Ms. Navarro Llanos' leadership in the previous informal meetings. Furthermore, the representative of Ecuador stated, Ms. Navarro Llanos possessed all the necessary credentials to successfully carry out and accomplish her mandate.

D. Documentation

10. The working group had before it the following documents:

(a) Human Rights Council resolution 21/19 on the promotion and protection of human rights of peasants and other people working in rural areas;

(b) The final study of the Human Rights Council Advisory Committee on the advancement of the rights of peasants and other people working in rural areas (A/HRC/19/75);

(c) The draft declaration on the rights of peasants and other people working in rural areas (A/HRC/WG.15/1/2).

E. Adoption of the agenda and organization of work

11. In her opening statement, the Chairperson-Rapporteur thanked the delegation of Ecuador and the Group of Latin American and Caribbean Countries for her nomination as Chairperson-Rapporteur and welcomed their encouraging remarks on the working group. Referring to the draft declaration before the working group, the Chairperson-Rapporteur informed participants that the programme of work would include three thematic panel discussions, with 17 panellists. Each panel discussion would be focused on one of the following thematic issues: the importance of peasants, including their positive contribution to food security, the fight against climate change and the conservation of biodiversity; the situation of human rights in rural areas, in particular in terms of discrimination, poverty and hunger; and the need for a United Nations declaration on the rights of peasants and other people working in rural areas. After the panel discussions, there would be an opportunity for general statements, followed by the first reading of the draft declaration on the rights of

peasants and other people working in rural areas. A list of speakers would be kept for the general statements, which would allow political and regional groups, then Member States, then civil society organizations and national human rights institutions to take the floor. The reading of the draft declaration would be clustered into three groups of articles: articles 1 to 4, articles 5 to 8 and articles 9 to 13. The reading would take place over one and a half days; there would not be a list of speakers, but discussion would be open to the floor. The final report would include summaries of the debate, summaries of the panel discussions and recommendations by the Chairperson-Rapporteur. The Chairperson-Rapporteur said that, before the session, she had conducted informal consultations with delegations and representatives of regional and political groups, as well as informal bilateral meetings with representatives of Member States, and that she looked forward to fruitful group work that would draw from the various views of the participants. She underlined the basic principles for conducting the session of the working group, namely, transparency, inclusiveness and objectivity. The Chairperson-Rapporteur asked if there was any opposition to the programme of work and, hearing no objections, declared the programme adopted.

12. Two non-governmental organizations voiced their support for a draft declaration and expressed their satisfaction with the work done by the Advisory Committee, including the extensive consultations and the proposed text. Furthermore, they noted that peasants were often victims of discrimination and that their protection was important in view of their role in feeding humanity.

III. Panel discussions

A. Panel discussion I. The importance of peasants, including their positive contribution to food security, the fight against climate change and the conservation of biodiversity

13. Several panellists agreed that peasant agriculture was crucial for mankind, noting that traditional peasant farming methods and peasant agriculture could often be a driver in limiting the effects of climate change and economic crises. Panellists highlighted the crucial importance of peasants and other people working in rural areas for food security and the fight against hunger, in particular in developing countries. They expressed the view that better protection and promotion of the rights of peasants would help further the realization of the right to food. Panellists emphasized the economic benefits, such as enlarged internal markets and increased employment and income, that could be developed by focusing on the rights of peasants through their agricultural practices.

14. The panellists also highlighted the wealth of knowledge and experience that peasants had in the area of biodiversity and emphasized that ensuring the biodiversity of crops such as wheat, rice and corn would benefit mankind by strengthening the resilience of agriculture. One panellist stressed that increasing organic matter content in soils was fundamental to mitigating climate change. She observed that such an increase could be achieved by diversifying cropping systems, better integrating crops and animal production and increasing tree presence and non-cultivated vegetation on farming lands. The panellists also noted that local markets would also be an essential part of the solution to climate change. Panellists highlighted the key role played by peasants and other people working in rural areas with respect to the conservation and development of biodiversity, and in particular agrobiodiversity. They argued that it was crucial for humankind that they should be able to continue to carry out that role, and that it should be strengthened.

15. Several panellists referred to the contribution of industrial food systems to deforestation, intensive chemical farming, loss of biodiversity, the transportation of inputs

and products, migration to urban areas and an increase in the population of cities, climate change and the global economic crisis. A number of panellists considered that discrimination, racism, women's rights and poverty among peasants and people working in rural areas were key issues affecting peasants' rights. Moreover, they stressed that, although peasant production was often very effective in terms of productivity, food distribution was not equal throughout the world, and that often peasants who worked on the land still went hungry owing to a lack of access to food. It was noted that 870 million people suffered from hunger. It was further stated that three quarters of those who were in danger of dying from hunger were peasants, including peasants who had been forced to relocate to seek employment and had failed to find it.

16. Some panellists commented that a balance between large-scale and peasant agriculture must be found and that a new deal for peasants was needed. One panellist said that the United Nations had a fundamental role to play in protecting peasants, and highlighted the International Treaty on Plant Genetic Resources for Food and Agriculture as an example of an international treaty that already defined farmers' rights. He pointed out that a number of countries had ratified the treaty, and emphasized that a holistic approach must be incorporated into a United Nations declaration on the rights of peasants and others working in rural areas, in order to cover any gaps that remained in international treaties and to ensure that the declaration built on, and did not weaken, existing treaties. Other panellists noted that becoming economically viable was the main challenge facing peasants and others working in rural areas, and that their income needed to be addressed so that global food security could be protected through peasant agriculture.

17. Some panellists debated the need for a United Nations declaration on the rights of peasants and other people working in rural areas. Some panellists spoke in favour of the declaration, arguing that it would act as a broad instrument and an umbrella declaration that recognized and complemented existing international instruments, thereby strengthening peasants' rights, while elaborating on specific rights in further detail. The panellists furthermore noted that the declaration should not attempt to provide a "one-size-fits-all" solution to the issue of the protection of peasants and other people working in rural areas.

B. Panel discussion II. The situation of human rights in rural areas, in particular in terms of discrimination, poverty and hunger

18. Several panellists noted that peasants and other people working in rural areas were frequently victims of land grabbing, eviction and forced displacement and that often the poorest were disproportionately affected. It was also noted that land grabbing and speculation on food commodities had increased exponentially and that arable land had become the target of large corporations, with its acquisition being facilitated by cheap leases and obscure practices. Panellists noted further that social mobilization against land grabbing, eviction and forced displacement, and in particular against single crops and megaprojects, had faced criminalization owing to weak legislation on land tenure, and that land grabbing continued to push many peasant farmers into even deeper poverty and led to violations of their right to adequate housing. Panellists agreed that the human impact of those phenomena included loss of earnings, drastic reductions in spending on food, destruction of assets, denial of education, homelessness and destitution.

19. A number of panellists highlighted the need for stronger international standards, given statistical evidence that demonstrated that hunger was on the rise for people living in rural areas. One panellist noted that, in its resolution 16/27, the Human Rights Council had requested the Advisory Committee to continue its work on the issue of discrimination in the context of the right to food, and that it was the rural population that suffered most from hunger and malnutrition. A number of panellists emphasized that the existing legal

frameworks were inadequate to the task of protecting peasant farmers' rights and that new standards were required, and that the absence of a human right to land in international human rights law represented a legal lacuna, as land was critical to rural livelihoods. One panellist argued that funding for agriculture was low and that economic, social and cultural rights often received less attention than civil and political rights. That, she emphasized, particularly affected female peasant farmers who, despite providing the vast majority of all agricultural labour, owned only between 1 and 2 per cent of agricultural land; it was consequently critical that the rights to land, inheritance and property be taken into account. She indicated that a human rights-based approach should be a tool in the design of sustainable economic and agricultural policies, and that those policies needed to be supported by appropriate budgetary allocations, noting that human rights protection could be a solution to discrimination and poverty in rural areas and that participation was vital to sustainable development.

20. A number of panellists agreed that justice and the rule of law were often inaccessible for peasants and other people working in rural areas. That situation impeded their enjoyment of their rights. The panellists considered that, although it would not be a legally binding instrument per se, a declaration was important as it would influence jurisprudence relating to the rights of peasants. The panellists argued that there was a need for additional laws to protect peasant farmers, as existing laws did not provide them with adequate protection, and a need to assess the situation of dispossessed peasant farmers after they had relocated to urban areas, where they had limited access to services and were vulnerable to repeated evictions. One expert noted that the situation of peasants and other people working in rural areas was compounded by the absence of an inclusive development policy that took their needs into account. The panellist also highlighted that some countries were developing new strategies and legislation in relation to peasants' rights, pointing to the specialized agricultural courts in Mexico as an example, despite the fact that the courts' competence did not extend to conflicts involving environmental issues. Moreover, the panellists also noted that, in several Latin American countries, efforts had been made to promulgate laws establishing safeguards for peasants following evictions and to amend laws to incorporate the "precautionary principle", which facilitated preventive decision-making in the face of risk.

21. In a round of questions, the panellists were asked to elaborate on issues such as discrimination and poverty. Panellists argued strongly that if both of those issues were to be addressed, political will was needed, and that stronger international legislation and national laws would help to combat discrimination and protect peasant farmers. The panellists also argued that the draft declaration could help to address poverty by using the human rights framework of protection, even though the draft did not currently refer to State obligations. Furthermore, the panellists discussed the need to include the freedoms of expression, assembly and association in the declaration, and, responding to one delegation's concerns, several panellists agreed on the importance of those rights in ensuring the meaningful participation of peasants in decision-making.

C. Panel discussion III. The need for a United Nations declaration on the rights of peasants and other people working in rural areas

22. The panellists voiced their support for a United Nations declaration on the rights of peasants and other people working in rural areas, commenting that such a declaration could: play a role in defining and protecting the rights of peasants that converge with those of farm workers; help to increase the coherence and visibility of existing rights; facilitate the recognition of new rights, such as the rights to land, to seeds and to biodiversity; help to define those rights as individual rights that could be exercised collectively; give a strong

political signal that peasants were key for the future of humanity and needed to be better supported and protected; support traditional peasant systems and enhance traditional agricultural knowledge; better identify the problems peasants faced and what States could do to overcome them; shed light on the problems peasants faced, their causes and how to combat hunger and malnutrition and improve food sovereignty; help to protect women peasants who suffered multiple types of discrimination and violence; help to identify the responsibility of non-State actors, such as multinational enterprises, and issues such as access to productive resources, including land, water and seeds; help to address critical issues faced by small-scale fishing communities; strengthen the rights of peasants and thereby increase their self-esteem and help them to overcome the discrimination and marginalization they faced; and be a tool that communities could use to secure the rights of people working in rural areas, help deal with emerging conflicts and protect peasants' rights from major threats related to, inter alia, tourism development, oil and gas exploration, aquaculture, agricultural activities, exclusive access agreements, the privatization of fishing rights, export-oriented production and pollution.

23. One expert commented that the working group should recognize the right to social security, as it was essential for hundreds of millions of people working in rural areas and could provide a safety net for older persons. Another expert noted that it was essential that the working group define "peasant" and "peasantry" in a way that was significantly inclusive of the very wide variety of vulnerable, oppressed and discriminated rural populations, and suggested that the working group should consider broadening the definition to encompass related vulnerable and discriminated groups, in particular rural migrant workers who were not members of households, such as displaced youths; economic and political refugees, and women who had fled domestic or other forms of violence.

24. The experts also highlighted the link between the lack of rights for peasants and discrimination, particularly related to gender, noting that women in agriculture often faced multiple forms of discrimination and that if those obstacles faced by women were removed, economic output would be much higher. They noted that women were discriminated against in gaining access to land, to extension services and to access to credit, and that an approach that was truly gender-sensitive should be adopted.

25. Multiple discrimination against peasants was further highlighted by panellists, who observed that peasants were not engaged in the formal sector and therefore were not effectively protected by the International Labour Organization conventions. Panellists argued that peasants did not have access to the seeds they preferred and that Governments should implement policies to support farmers' seed systems. One panellist noted the importance of coherency, consistency and progressive advancement among similar standard-setting efforts across the United Nations. A non-governmental organization stressed that the declaration should take into consideration demographic ageing and discrimination on the basis of age, rather than the rights of older persons more generally.

IV. General statements

26. On 17 July 2013, following the panel discussions, the floor was opened for general statements. In introducing that part of the session, the Chairperson-Rapporteur reiterated her intention for the working group to proceed in a transparent, inclusive, consensual and objective manner.

27. Some delegations and other participants stated their appreciation of the efforts made by the Advisory Committee in preparing an initial draft declaration on the rights of peasants and other people working in rural areas. They stressed that the Human Rights Council had given the working group a clear mandate, through its resolution 21/19, to negotiate, finalize

and submit to the Council a draft United Nations declaration on the rights of peasants and other people working in rural areas, on the basis of the draft submitted by the Advisory Committee. They expressed support for the draft declaration put forward by the Advisory Committee.

28. Some delegations and other participants stressed that the rights of peasants and other people working in rural areas were paramount to food security and the realization of the right to food, sustainable development, biodiversity, countering climate change, protecting the environment, combating discrimination, and the prevention and response to crises such as the financial and food crises. Some delegations and other participants expressed their view that a new instrument would enhance the protection of the rights of peasants by addressing the gaps in the current legal framework, including by clarifying the obligations of States and the specific rights that peasants could claim. They also noted that, in addition, it would send a strong political message on the need to protect that marginalized population and give communities the ability to claim individual and collective rights. Other delegations stressed that the declaration could contribute to better protecting the rights and improving the livelihoods of people living in rural areas and their families, who together represented approximately one third of humanity and suffered disproportionately from hunger, poverty and discrimination. Accordingly, they emphasized that the adoption of a declaration could make a substantial difference at the global level. Some delegations and other participants noted that at some point in history all rights were new, and that the "new rights" contained in the draft declaration were essential to further promoting and protecting peasants and other people working in rural areas. Some delegations and other participants added that many provisions in the draft declaration were not new, but reflected the application of existing rights to the specific needs and vulnerabilities of peasants, or reflected provisions existing in other international instruments that it was important to recognize and reaffirm in the human rights framework.

29. Other delegations were opposed to the draft declaration for a number of reasons. They stressed that the current session of the working group had been preceded by a process whereby the Advisory Committee had worked, without a mandate, on a draft declaration that the Human Rights Council had not requested. In response, a number of delegations argued that the Council had given a clear mandate, and expressed support for the declaration put forward by the Advisory Committee. The delegations that expressed opposition were of the view that the declaration set out new rights on which there was no broad consensus; that the proposed rights were premised on a differential treatment of peasants as a special category; that the declaration purported to bestow collective rights to peasants, with no basis in international human rights law; that the declaration did not comprehensively define "peasants"; and that existing human rights provided adequate protection to peasants. Those delegations stated that the Human Rights Council and its subsidiary bodies were not the appropriate forums for discussion of many of those issues, pointing instead, for instance, to the work being done by the Committee on World Food Security and the Food and Agriculture Organization of the United Nations, including, for example, on land tenure. Those delegations noted that it was important not to repeat work being done in other forums, or pursue work that would confuse, detract from or contradict the important work other forums had already completed, and that perhaps the energy of the working group could be more constructively used to look into other ways forward, whether by exploring the needs and challenges faced by individuals living in rural situations or by developing a discussion of best practices with respect to existing human rights. Some delegations also stressed that while they were not engaging in negotiations on a draft declaration on the rights of peasants, they would be prepared to engage constructively on the issues.

30. There was agreement on the need to improve the situation of peasants and other people working in rural areas. In particular, some participants noted that poverty, hunger

and malnutrition were concentrated in rural areas, despite the substantial contribution by peasants to food security. In addition, some delegations and other participants argued that peasants experienced discrimination in many forms and on many grounds, including age and gender and by virtue of being resident in rural areas, with women being especially vulnerable. It was further noted that other challenges facing peasants included the denial of their means of livelihood; a challenge mentioned by some delegations and other participants was the creation of large buffer zones in occupied areas, separating farmers from their land, and rendering it difficult for them to access it. In a similar vein, some delegations and other participants stressed that peasants were also denied other human rights, such as the rights to food, health, water and education.

31. Some participants noted the need to clarify State obligations and actions overall. Some delegations and other participants stressed the need for public policies, developed through participatory and open processes, which protected the rights of peasants. Some delegations provided examples of best practices in that area, including legislation and programmes to ensure that issues such as denial of livelihood and the recognition of collective and individual land rights were addressed.

32. With regard to the draft declaration, some participants noted a number of difficulties, for example, that the draft was too focused on the rights of peasants to the exclusion of other people working in rural areas and that it did not make reference to relevant text in existing instruments or systematically use accepted human rights language. Those participants also commented that the link between the rights set out in the declaration and any duties and responsibilities should be strengthened; the causes of human rights violations should be reflected in the declaration; there was a need to take into account the national priorities of individual countries; the right to social security should feature in the declaration and its absence was a major oversight; the declaration should recognizes, and should provide for, a foundation for addressing the human rights concerns of women and the multiple forms of discrimination faced by them; and the right to effective legal protection against discrimination on all grounds and in all its forms should be integrated into the declaration.

33. Some delegations expressed their commitment to taking action to improve the situation of peasants. Others disagreed on the use of the draft declaration as a point of departure and on whether a declaration was needed, as opposed to other ways forward. In that regard, one delegation emphasized the need to ensure that the views of all members of the working group were fully taken into account.

V. First reading of the draft declaration on the rights of peasants and other people working in rural areas

34. Some delegations and other participants noted the need to further debate the definition of "peasant". A number of non-governmental and civil society organizations noted that there was a need to consider peasants who resided in towns, cities and slums, as often peasants did not have rural land to work on and were forced to move from rural areas.

35. Some delegations and other participants noted that some rights had already been established in international treaties and therefore questioned why they had been included in the draft declaration, while others noted that the reaffirmation of existing rights and the recognition of new rights could be found in other human rights declarations and instruments and was common practice. A non-governmental organization noted that peasant men as well as women had the right to be protected from domestic, physical, sexual, verbal and psychological violence.

36. Some delegations asked for clarification on the use of the language regarding the proposed right to land and the proposed right of peasants "to toil on and own unused land on which they depend for their livelihood". They also asked for further information on the definition of the word toil. There were different views on the right to water. Some delegations argued that the right to water could not be separated from the proposed right to land, as they were both essential to life in rural areas. However, other delegations felt that the proposed right to access to water would be a better substitute. A non-governmental organization noted that the proposed right to access to productive resources was for everyone, independent of their perceived productivity. Other delegations and other participants took the position that recognition of the proposed right to land and territory and the proposed right to seeds and traditional agricultural knowledge were crucial for peasants and humankind.

37. Some delegations and other participants strongly recommended that peasants should have the right to choose the seeds they wished to sow and have the right to high-quality seeds in view of coming challenges, such as climate change and depletion of biodiversity. They also noted proposed rights that were particularly important and relevant for peasants, namely, a proposed right to determine the varieties of seeds they wanted to plant, a proposed right to preserve and develop their local knowledge in agriculture, fishing and livestock rearing, and a proposed right to grow and develop their own varieties of seeds and to exchange, to give or to sell their seeds. Other delegations noted that provisions opposing the industrial model of agriculture should not be in the text and that the varieties of seeds used should be determined in conformity with national legislation. Some delegations asked whether the provisions of the draft declaration authorized the use of illegal or banned seeds by peasants. The Chairperson-Rapporteur clarified that, in her understanding, the proposed right to choose seeds must be exercised in conformity with domestic legislation. Some delegations emphasized that the provisions of the draft declaration should not undermine bilateral commitments made by States on issues such as trade and intellectual property.

38. Some delegations raised questions regarding the definitions of "land" and "territories" with regard to the proposed right to water resources for irrigation and agricultural production. Others delegations welcomed the inclusion of a proposed right to means of agricultural production, in particular a proposed right to water for irrigation, a proposed right to obtain credit and the materials and tools needed, and a proposed right to means of transportation and to drying and storage facilities for selling products on local markets. Some delegations also insisted on the importance of recognizing in the declaration a proposed right of peasants to receive a fair price for their production and fair payment for their work.

39. Some delegations noted that the right to information was already included in other internationally recognized instruments, such as the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

40. Other delegations questioned the term "food sovereignty" and its use, and asked for the term to be reviewed and whether alternatives to food sovereignty, such as the right to adequate food or food security, could be used. Others noted that the concept of food sovereignty should not be dismissed simply because it might be seen as a new concept. Some participants argued that the term food sovereignty was important because it strengthened previous standards, was already in use as a concept and was included in the national laws of some States. Others noted that all concepts, including sustainable development or food security, had been new at some point, and emphasized that the definition of food security proposed by United Nations bodies, including the United Nations Research Institute for Social Development and the Food and Agriculture Organization of the United Nations, was very close to that of food sovereignty. Furthermore, delegations noted that it was important to family unity that peasants and other

people working in rural areas were guaranteed fair prices for their agricultural production; that concept was already reflected in the International Covenant on Economic, Social and Cultural Rights. Other delegations raised additional concerns regarding the use of the term food sovereignty, suggested using the terms adequate food or food security, and noted that clarification on collective rights was needed.

41. A delegation noted the direct and special link that peasants had with land and nature and the importance of recognizing their specific cultures and identities. It also noted that food sovereignty and the right to grow local products could be linked with article 9 of the draft declaration. Clarification was requested as to the definition of "agricultural values".

42. Delegations asked what impact the proposed right to biodiversity would have on patents and how it might affect domestic laws. One delegation noted that its Government had been working to ban international patents on life forms in order to protect biodiversity and peasants, and that it was necessary to discuss the impact of patents on peasants.

43. One delegation noted that the importance of environmental protection had already been recognized in many national constitutions, in the United Nations Declaration on the Rights of Indigenous Peoples and in the outcome document of the United Nations Conference on Sustainable Development entitled "The future we want". The inclusion in the draft declaration of a right to preserve the environment and biodiversity and to a clean and healthy environment was supported by some delegations.

44. A non-governmental organization noted that there was an increasing trend towards peasants' communities being attacked, by State and non-State actors, when they voiced concerns based on their beliefs and values or defended their rights. Moreover, some participants expressed concern that peasants and other people working in rural areas often could not defend themselves against transnational corporations because those corporations used temporary contracts, made threats and took advantage of corruption within the judiciary, all of which prevented peasants from organizing and violated their right to freedom of expression. A number of delegations and other participants noted that it was necessary to protect freedom of expression in order to protect peasants from reprisals.

45. A non-governmental organization noted that individuals faced obstacles, such as living far from administrative centres, a lack of information, fear of reprisal from non-State actors and a lack of advisors to explain how to gain access to legal systems. Some participants noted that it was essential to guarantee access to justice for preventive and reparative purposes and that legal mechanisms should be adapted to the particular situations in rural areas. Some participants also noted that access to legal aid was a fundamental element in guaranteeing peasants access to justice and that women were often marginalized in that regard. Some participants recommended that national human rights institutions set up specialized sections and offices to facilitate the lodging of complaints by peasants and others working in rural areas.

46. Some participants also mentioned that the right to social security, which was not mentioned in the draft declaration, was an important right for peasants and others working in rural areas whose livelihoods depended on climatic conditions over which they had no control. A proposal was made to the effect that the right to social security should be integrated throughout the text or included by way of a separate article. A proposal was also made to include a specific section on State obligations.

Preamble

47. Some participants called for more precise language in the preamble and for the addition of references to other international instruments, both binding and non-binding. Those delegations argued that certain terms were not understood in the same way by all

States and that such terms would need to be discussed further. Other delegations noted that the preamble should focus on human rights standards and legal issues, and avoid value judgements. Some delegations expressed the opinion that the preamble should reflect the situation of vulnerability and discrimination that peasants faced, in particular in terms of hunger and poverty, and stressed the key role that peasants played regarding food security, in particular in developing countries, and the benefits that they brought to mankind.

48. A delegation proposed the rewording of the sixth paragraph, on the basis that too many issues that would be better dealt with separately were combined in that paragraph. A number of delegations asked to have an opportunity to submit further comments on the draft declaration before the second session of the working group and pointed out that the preamble gave an impression that peasants and people working in rural areas were a special group completely segregated from the rest of society. A delegation argued that they should be perceived as a part of the whole society, enjoying the same rights as other people. Other delegations noted that reference to the United Nations Declaration on the Rights of Indigenous Peoples was not appropriate in the preamble. One delegation suggested that the preamble should refer to the right to development and to the Declaration on the Right to Development. One delegation proposed that intersessional informal consultations and work be undertaken.

VI. Conclusion of the session

49. At the final meeting of its session, the working group welcomed the participation of the Deputy High Commissioner and of Marcelo Zambrana, on behalf of the Minister for Foreign Affairs of the Plurinational State of Bolivia, as well as that of a number of independent experts who took part in the panel discussions, and took note of the inputs received from Governments, regional and political groups, civil society, non-governmental organizations and all other relevant stakeholders.

VII. Recommendations of the Chairperson-Rapporteur

50. **Following the discussions held during the session of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas, and acknowledging the differences of view on the way forward, the Chairperson-Rapporteur recommended**:

(a) That a second session of the working group be held in 2014;

(b) That informal consultations with Governments, regional groups, intergovernmental organizations, United Nations mechanisms, civil society and representatives of peasants and other people working in rural areas, as well as other relevant stakeholders, be held by the Chairperson-Rapporteur before the second session of the working group;

(c) That the Chair be entrusted with the preparation of a new text on the basis of the discussions held during the first session of the working group and on the basis of the informal consultations to be held, to be presented to the working group at its second session for consideration and further discussion.

VIII. Adoption of the report

51. At its 9th meeting, the working group adopted the draft report on its first session and decided to entrust the Chairperson-Rapporteur with its finalization.

Annexes

Annex I

Agenda

1. Opening of the meeting.
2. Election of the Chairperson-Rapporteur.
3. Adoption of the agenda and programme of work.
4. Panel discussions.
5. General statements followed by the first reading of the draft declaration.
6. Adoption of the report.

Annex II

List of speakers in the panel discussions

Panel discussion I. The importance of peasants, including their positive contribution to food security, the fight against climate change and the conservation of biodiversity

- Jan Douwe van der Ploeg, Wageningen University (video presentation)
- Marcel Mazoyer, AgroParisTech
- José Esquinas, Córdoba University and former staff member of the Food and Agriculture Organization of the United Nations
- Eva Torremocha, *Soberanía Alimentaria, Biodiversidad y Culturas*
- Devinder Sharma, Forum for Biotechnology and Food Security

Lalji Desai, of the World Alliance of Mobile Indigenous Peoples and Nomadic Pastoralists, was unable to attend.

Panel discussion II. The situation of human rights in rural areas, in particular in terms of discrimination, poverty and hunger

- Jean Ziegler, former Special Rapporteur on the right to food and former member of the Human Rights Council Advisory Committee
- Miloon Kothari, Housing and Land Rights Network and former Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context
- Genevieve Savigny, Confédération paysanne and European Coordination of La Via Campesina
- Claire Ameyó Quenum, African Network on the Right to Food
- Maria Silva Emanuelli, Habitat International Coalition, Latin America Office
- Sandra Ratjen, International Commission of Jurists

Panel discussion III. The need for a United Nations declaration on the rights of peasants and other people working in rural areas

- Olivier De Schutter, Special Rapporteur on the right to food (video presentation)
- Christophe Golay, Geneva Academy of International Humanitarian Law and Human Rights
- Henry Saragih, La Via Campesina
- Michael Windfuhr, German Institute for Human Rights (video presentation)
- Marc Edelman, City University of New York
- Margaret Nakato, World Forum of Fish Harvesters and Fish Workers